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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OPTi Inc.)
)
) Plaintiff,)
 v.)
)
 Advanced Micro Devices, Inc)
)
) Defendant.)

BY _____
Civil Action No 2-06CV-477
Jury Trial Demanded *TGW*

COMPLAINT

Plaintiff OPTi Inc. ("OPTi"), by and through its undersigned counsel, for its complaint herein against Advanced Micro Devices, Inc. ("AMD"), avers as follows:

1. Plaintiff OPTi is a corporation organized and existing under the laws of the State of California with its principal place of business at 880 Maude Avenue, Mountain View, California, 94043.

2. Upon information and belief, Defendant AMD is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at One AMD Place, Sunnyvale, CA 94088-3453. AMD is registered to do business in the state of Texas

3. On January 20, 1998, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 5,710,906 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" ("the '906 patent"). The '906 patent was assigned to OPTi and OPTi holds all right, title and interest in and to the '906 patent. A copy of the '906 patent is attached hereto as Exhibit 1

4. On September 22, 1998, the USPTO duly and legally issued United States Patent No. 5,813,036 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" ("the '036 patent"). The '036 patent was assigned to OPTi and OPTi holds all right, title and

interest in and to the '036 patent. A copy of the '036 patent is attached hereto as Exhibit 2.

5. On June 11, 2002, the USPTO duly and legally issued United States Patent No. 6,405,291 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" ("the '291 patent"). The '291 patent was assigned to OPTi and OPTi holds all right, title and interest in and to the '291 patent. A copy of the '291 patent is attached hereto as Exhibit 3.

6. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

9. AMD, in violation of 35 U.S.C. § 271(a), directly infringed and is directly infringing one or more claims of the '906, '036, and '291 patents (the "Presnoop Patents") by making, causing to be made, using, importing, selling and/or offering to sell within the United States, including in this judicial district, products that infringe and/or whose operation infringes one or more claims of the Presnoop Patents. Such products include AMD's Athlon and Opteron CPU's, the memory controllers incorporated into one or more of the foregoing, and AMD's core logic products including AMD's 8111, 8131, 8132, 761, 762, and 768 chips, all of which are sold for use on motherboards and in servers, workstations, and/or microcomputers.

10. AMD, in violation of 35 U.S.C. § 271(b), has actively and knowingly induced and is actively and knowingly inducing the direct infringement of the Presnoop Patents by third parties who are making, using, importing, selling, and/or offering for sale in this judicial district servers, workstations, microcomputers, and motherboards that that infringe and/or whose operation infringes one or more claims of the Presnoop Patents.

11. AMD, in violation of 35 U.S.C. § 271(c), contributorily infringes the Presnoop Patents by making, using, importing, selling, and/or offering for sale in this judicial district products that include the aforementioned CPU's, memory controllers, and core logic which constitute a material part of servers, workstations, microcomputers, and motherboards that infringe and/or whose operation infringes one or more claims of the Presnoop Patents

12. Upon information and belief, AMD had and has actual notice of the Presnoop Patents, and AMD has infringed and is infringing the Presnoop Patents with knowledge of OPTi's patent rights, without a reasonable basis for believing that AMD's conduct is lawful. AMD's acts of infringement have been and are willful and deliberate.

PRAYER FOR RELIEF

WHEREFORE, OPTi demands a trial by jury and prays for judgment against AMD as follows:

- A. Adjudging that the '906, '036, and '291 patents are valid and enforceable;
- B. Adjudging that AMD has infringed and is infringing the '906, '036, and '291 patents;
- C. Adjudging that AMD has induced and is inducing others to infringe the '906, '036, and '291 patents;
- D. Adjudging that AMD has contributorily infringed and is contributorily infringing the '906, '036, and '291 patents;
- E. Adjudging that AMD has willfully infringed and is willfully infringing the '906, '036, and '291 patents;
- F. Awarding OPTi damages or other monetary relief, including prejudgment interest, for AMD's infringement.

G. Trebling the damages awarded to OPTi, as provided by 35 U.S.C. § 284, against AMD.

H. Declaring this an exception case and awarding OPTi attorneys' fees, as provided by 35 U.S.C. § 285; and

I. Enjoining AMD's ongoing direct and contributory infringement of the '906, '036, and '291 patents and AMD's inducement of infringement of the '906, '036, and '291 patents by others;

J. Awarding OPTi such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: November 15, 2006

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